

## ABSTRAK

### STUDI KOMPARASI ANTARA GUGATAN SEDERHANA/ *SMALL CLAIM COURT* DAN GUGATAN BIASA

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Penyelesaian sengketa melalui peradilan bukan pilihan tepat jika kerugian bernilai kecil, karena yang dituntut tidak sebanding dengan yang dikeluarkan. Kemudian Mahkamah Agung mengeluarkan Perma Nomor 2 Tahun 2015 yang diubah Perma 4 tahun 2019 tentang gugatan sederhana. Lahirnya perma tersebut membawa kosekuensi terdapat penyelesaian melalui gugatan perdata biasa dan melalui gugatan sederhana. Berdasarkan hal tersebut penulis mengkaji mengenai perbedaan dan persamaan penyelesaian gugatan perdata biasa dengan gugatan sederhana serta kendala dari keduanya.

Penelitian ini menggunakan metode hukum normatif-empiris dengan tipe penelitian deskriptif dengan pendekatan perbandingan hukum. Data yang digunakan ialah data primer dan sekunder, terdiri dari bahan hukum primer, sekunder, dan tersier, kemudian analisis data dilakukan secara kualitatif dan komparasi.

Hasil penelitian menunjukkan bahwa: Pertama, persamaan gugatan sederhana dan gugatan biasa yaitu mengakomodir klasifikasi gugatan perbuatan melawan hukum dan wanprestasi, menerapkan asas *actor sequitur forum rei*, terdapat upaya hukum verzet, dan lain-lain. Sedangkan perbedaan gugatan sederhana dan gugatan biasa yaitu pada gugatan sederhana terdapat berbagai pembatasan seperti nilai gugatan materil paling banyak Rp500.000.000,00 dan bukan diselesaikan melalui pengadilan khusus atau sengketa hak atas tanah, pihak masing-masing hanya satu, prinsipal harus hadir secara langsung di setiap persidangan, pada gugatan perdata biasa tidak terdapat pembatasan demikian, dan lain-lain. Kedua, terdapat kendala penyelesaian gugatan perdata biasa seperti waktu yang lama, tidak terdapat pembatasan perkara yang dapat di kasasi, dan pelaksanaan putusan terhalang berbagai hambatan. Sedangkan kendala penyelesaian gugatan sederhana ialah prinsipal wajib menghadiri secara langsung setiap persidangan, pengajuan keberatan oleh pengugat menggugurkan hak tergugat mengajukan verzet, pelaksanaan putusan yang belum diatur secara khusus.

**Kata kunci: Gugatan Perdata Biasa, Gugatan Sederhana, Studi Komparasi.**

## **ABSTRACT**

### **COMPARISON STUDY BETWEEN SIMPLE LAWSUIT/ SMALL CLAIM COURT AND USUAL CLAIMS**

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*Settlement of disputes through the courts is not the right choice if the loss is small, because what is demanded is not worth what is incurred. Then the Supreme Court issued Perma Number 2 of 2015, which was amended by Perma 4 of 2019 concerning simple lawsuits. The birth of the Perma has resulted in a settlement through an ordinary civil lawsuit and a simple lawsuit. Based on this, the authors examine the differences and similarities in the settlement of ordinary civil lawsuits with simple lawsuits and the constraints of both.*

*This study uses a normative-empirical legal method with a descriptive research type and a comparative legal approach. The data used are primary and secondary data, consisting of primary, secondary, and tertiary legal materials, and then data analysis is carried out qualitatively and comparatively.*

*The study's findings show that: first, the equation of a simple lawsuit and an ordinary lawsuit is to accommodate the classification of lawsuits against the law and default, using the actor sequitur forum rei principle; there are verzet legal remedies; and there are others. While the difference between a simple lawsuit and an ordinary lawsuit is that in a simple lawsuit there are various restrictions, such as that the value of a material claim is a maximum of IDR 500,000,000.00 and is not resolved through a special court or dispute over land rights, only one party is involved, the principal must be present in person at every trial, and so on, in ordinary civil lawsuits there are no such restrictions. Second, there are obstacles to resolving ordinary civil lawsuits, such as the long waiting period, the fact that there are no restrictions on cases that can be appealed, and the fact that the implementation of decisions is hampered by various obstacles. Meanwhile, the obstacles to settling a simple lawsuit are that the principal is required to attend in person at every trial, and filing an objection by the plaintiff aborts the defendant's right to submit a verzet, the implementation of a decision that has not been specifically regulated.*

**Keywords: Ordinary Civil Lawsuit, Simple Lawsuit, Comparative Study.**